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THURSDAY, MAY 25, 2006

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The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of May 25, 2006 together with the maps and staff reports attached thereto and incorporated therein by reference.

PRESENT: Commissioners Bob Roos, Sarah Christie, Bruce Gibson, Penny Rappa and Chairman Mehlschau

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRMAN MEHLSCHAU.

Public Comment: This is the time set for members of the public wishing to address the Commission on matters other than scheduled items.

Eric Greening: Discusses the draft budget being acted on by the Board of Supervisors on June 19 & 21, 2006. Discusses conservation element update implementation and the possibilities of formulating biological and cultural resources committees.

Staff Updates

Warren Hoag, staff: Give status update on study sessions today. Provides a tentative date for agricultural policy review on September 14, 2006. Discusses prioritization of study sessions Updates the commission on the Board of Supervisors actions made on May 23, 2006. Addresses Mr. Greening's concern regarding the Conservation Element Update implementation and states this will be a two to three year project in length.

Commissioner Roos: Requests clarification on joint study session with the Parks & Recreation Department during the June 8, 2006 Planning Commission.

Commissioner Christie: Requests a point of clarification on dates for workshops and public hearing for Parks & Recreation element.

Commissioner Rappa: Discusses District 3 and study session being the appropriate venue for constituents to voice public comment with staff responding.

CONSENT AGENDA

- A. January 12, 2006 Planning Commission minutes
- B. February 9, 2006 Planning Commission minutes
- C. April 27, 2006 Planning Commission minutes
- D. Request from **VAUGHAN SURVEYS, INC.** for a **4th time extension** for Vesting Tentative Tract Map 2526 (S990133U) to subdivide a 851 acre site into 42 clustered one acre lots for residential development, construct up to seven farm-worker housing units, one caretaker unit, a private equestrian center, one water storage tank and one or more open space parcels totaling at least 808 acres (95% of the site area). The property is located on the north side of Linne Road, south and west of Union Road and east of and adjacent to the City of Paso Robles in the Salinas and El Pomar/Estrella Planning Areas. Supervisorial District 1.

Thereafter, on motion of Commissioner Christie, seconded by Commissioner Roos, and unanimously carried, the commission approves Consent Agenda Items A through D.

1. This being the time set for a continued hearing to consider a request by **EDA/COLIN WEYRICK** for a Vesting Tentative Tract Map (Tract2710) to subdivide an existing 5.28 acre parcel into 21 residential lots ranging from 6,000 to 10,212 square feet and one 28,965 square foot Industrial parcel for the purpose of sale and/or development. The project includes off-site road improvements to 11th Street and proposed "A" Street. The project will result in the disturbance of the entire 5.28-acre parcel. The division will create two on-site roads. Road names have not yet been proposed. The proposed project is within the Residential Single Family and the Industrial land use categories and is located at the southeast corner of 11th Street and the Southern Pacific Railroad tracks in the community of San Miguel. The site is in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 19, 2006 for this project. Mitigation measures are proposed to address air

quality, biological resources, cultural resources, hazardous materials, noise, and transportation and are included as conditions of approval. **County File Number: SUB2004-00331.** Assessor Parcel Numbers: 021-141-003, 021-221-009, 021-241-008, and 021-241-021. Supervisorial District: 1. Date Accepted: September 13, 2005.

Josh Lebombard, staff: Requests continuance off calendar and provides reasoning for such.

Commissioner Roos: Discusses a recent Tribune article and would like to know if that was related to this project with staff responding.

Commissioner Christie: Requests County Counsel explain the process of continuing items off calendar.

Jim Orton, County Counsel: Addresses Commissioner Christie's concern and states this project needs further review and sees no problem with a continuance off calendar at this time.

David Broadwater: Provides information regarding this project and discusses a work plan for further site analysis.

Commissioner Gibson: Addresses staff regarding where this project is headed with staff responding

Josh Lebombard, staff: Discusses joint coordination between the Environmental Health department and the Planning & Building department in regards to this project, letter submitted, and states he is unaware of the level of environmental determination.

Commissioners: Discuss environmental determinations investigation.

John Walker: Sierra Delta Corp. representative for Colin Weyrick states he is working with Environmental Health and discusses timelines of project plans.

Thereafter, on motion of Commissioner Roos, seconded by Commissioner Rappa, and on the following roll call vote:

AYES: Commissioners Roos, Rappa, Gibson, Christie and
Chairman Mehlschau
NOES: None

the commission continues this item off calendar.

2. This being the time set for hearing to consider a request by **R.W HERTEL & SONS (AVILA VILLAGE LLC)** for a Conditional Use Permit to allow development of a swimming pool, spa and restrooms, all accessory to, and for the exclusive use by, guests of the existing, adjacent Avila Village Inn. The project will result in the disturbance of the entire approximately 7,900 square-foot parcel that has been graded and developed with parking spaces and temporary landscaping and improvements. The proposed project is within the Recreation land use category and is located at 6645 Bay Laurel Place, adjacent to and east of the existing Avila Village Inn in the San Luis Bay Estates commercial center in the community of Avila Beach. The site is in the San Luis Bay (coastal) Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 13, 2006 for this project. Mitigation measures are proposed to address cultural resources and noise, and are included as conditions of approval. **County File No: DRC2004-00215.** Assessor Parcel Number: 076-543-006. Supervisorial District: 3. Date Accepted: June 9, 2005.

Mike Wulkan, staff: Presents staff report.

Commissioner Christie: Discusses Pg. 2-3 drainage of pool and surface runoff, Pg. 2-52 referral by Public Works, consistency with cited Land Use Ordinance, Pg. 2-3 topographic changes to flood plain, grading conditions, proximity of this project to the Bob Jones bike trail and public access.

Commissioner Rappa: Addresses Commissioner Christie's concern regarding public access from project to bike trail. Discusses communication between San Luis Bay Estates, Board of Supervisors, and R.W. Hertel regarding easements.

Jan Delio, Parks & Recreation: Clarifies that Parks & Recreation has not accessed this portion of the Bob Jones trail. Discusses originally recorded map and dedication of path, negotiations regarding maintenance responsibilities, and drainage.

Commissioner Christie: Discusses a conditioning opportunity for re-aligning the bike trail.

Mike Wulkan, staff: Discusses encroachments of bike path, and condition language.

Commissioner Rappa: Adds that problems stem from east of this area.

Commissioners Roos & Gibson: Discuss Pg. 2-6 Condition. 5, sodium lamps.

Craig Smith, agent: and architect. Discusses reviews, access recommendations and findings. Address questions regarding surface drainage, completion of bike trail, property lines, and lighting.

Commissioner Christie: Discusses exploring possibility of a lot line adjustment on this project.

Commissioner Rappa: Requests clarification on Pg. 2-6, Condition. 5 with staff recommending last sentence condition language and intent of condition.

Thereafter on motion of Commissioner Rappa, seconded by Commissioner Roos, and on the following roll call vote:

AYES: Commissioners Rappa, Roos, Gibson, Christie, and
Chairman Mehlschau

NOES: None

the commission adopts the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq., and RESOLUTION NO. 2006-025 granting a Conditional Use Permit to R.W. HERTEL & SONS (AVILA VILLAGE LLC) based on the Findings in Exhibit A, and subject to the Conditions in Exhibit B, modifying the last sentence of Condition 5 to read "Lamps shall be low intensity", and correcting Condition 6 to cite "Land Use Ordinance Chapter 22.52". Adopted.

3. Hearing to consider a request by **THOMAS HASTINGS ET. AL.** for a Vesting Tentative Tract Map (Tract 2647) to subdivide two existing parcels (totalling 23 acres) into twelve parcels ranging between 1.0 to 2.4 acres each for the purpose of sale and/or development and one 7.22-acre remainder parcel. The project will result in the disturbance of approximately 12 acres of a 23-acre area. The division will create two on-site roads. The proposed project is within the Residential Suburban land use category and is located on the west side of North River Road, approximately 1,000 feet south of Indian Valley Road within the community of San Miguel. This site is located in the Salinas River Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not

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necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) will be issued on April 25, 2006 for this project. Mitigation measures are proposed to address aesthetics, agriculture, biological resources, geology and soils, public services, recreation, transportation, public services, recreation, transportation, wastewater and water and are included as conditions of approval. **County File Number: SUB 2003-00198.** Assessor Parcel Number(s): 027-271-030 & 031. Supervisorial District: 1. Date Accepted: May 25, 2005.

Elizabeth Kavanaugh, staff: Presents staff report.

Commissioner Roos: Discusses Pg. 3-53 of the Negative Declaration - check mark on Geology & Soils, condition 13 storm drains being shown on map, Pg. 14, Conditions 25 & 26, requests clarification on the definition of a "seepage pit" with staff responding that it is a type of leach field

Commissioner Gibson: Discusses the remainder parcel and 100 year flood zone and what mitigations are proposed on it and why this parcel is not being treated with the project parcel.

Richard Marshall, Public Works: Recalls discussion regarding yard swales, drainage, and conditions applying to proposed swales. States Conditions 13 & 15 work together to address drainage. Shows proposed yard swale on overhead screen.

Commissioner Gibson: States he sees no storm drains showing on the tentative map.

Commissioners and staff: discuss drainage, swales, filtration, maintenance of swale, fencing

Commissioner Gibson: Discusses Pg. 3-2 lot sizes, minimum parcel sizes in terms of average slope calculations, drainage maintenance, no formation regarding a Home Owners Association (HOA), remainder parcel's condition, and the building envelope.

Elizabeth Kavanaugh, staff: States slope is determined based on individual lot calculations. Discusses Pg. 3-17 maintenance and HOA concern, compliance with Subdivision Map Act. States there are standards for building in a flood plain in terms of the remaining lot.

Commissioner Roos: Discusses remainder parcel.

Commissioner Christie: Requests clarification regarding functional differences for creating an open space parcel from the remainder parcel.

Jim Orton, County Counsel: Discusses requirements that can be made for the remainder parcel, parcel's compliance, and open space zoning agreement.

Elizabeth Kavanaugh, staff: Clarifies for Commissioner Gibson existing constraints, and community wide design standards being guidelines and not standards.

Commissioner Christie: Questions planning area standards as saying "none" and recommendation for such. Discusses alignment of trail, requirement of easement, and easement locations,

Jan Delio, Parks & Recreation: Gives background regarding agriculture & open space development, 1991 adopted trails plan. Discusses trail corridor as part of the remaining parcel and condition language for condition 8,

Richard Marshall, Public Works: Suggests adding a new Item C under Condition 4.

Commissioner Christie: Discusses agricultural conversion use in regards to residential development and would like to know how staff addresses this problem, and would like landscape plans to add native drought tolerant vegetation.

Commissioner Rappa: Discusses circulation of traffic.

Richard Marshall, Public Works: Discusses road re-alignment, road design implementation, and there being no circulation issues with abandoning the former alignment.

Jim Orton, County Counsel: Discusses Pg. 3-17 and refers to Pg. 3-31 and suggests that recommended condition language also be used for Condition 47.

Pamela Jardini, agent: Begins addressing concerns with remainder parcel, lack of flood hazard on remainder parcel, horse trail easement and is in agreement with conditions of approval.

Commissioner Roos: Requests clarification on what a seepage pit is, and discusses tentative easement location, and road abandonment.

Commissioner Gibson: discusses road easements and road abandonment.

Jim Orton, County Counsel, : Clarifies road abandonments on maps.

Richard Marshall, Public Works: Discusses road abandonments on maps.

Pamela Jardini, agent: Agrees trails plan should be recognized.

Commissioners, staff and agent: Discuss road abandonments, access, and easements.

Brian Coder, Sierra Delta Corp.: Clarifies what a seepage pit is. Discusses recommendations being incorporated into the conditions regarding drainage, and 50' bluff edge setback,

Commissioner Roos: Discusses setbacks and definitions of area of the bluff, and states his satisfaction with the conditions.

Commissioner Christie: Would like to know who Sierra Corp's geologist is, with Mr. Coder stating it is Ron Marto.

Jan Delio, Parks & Recreation: Clarifies memorandum regarding Parks & Recreation desire to have a trail along the Salinas River. Discusses retention of paper road so the Parks & Recreation department can use this as a mechanism to have future public access preference.

Commissioners & staff: Discuss conditions regarding trail easements, connections to road, and language to allow the Parks and Recreation department flexibility for future trail development.

Kami Griffin, staff: Proposes condition language for a trail.

Ryan Tannahil: States he is in support of project.

Pamela Jardini, agent: Requests Chairman Mehlschau bring this item back this afternoon in order for her to discuss needs with developer and requests clarification on the location and design of proposed trail and language definition.

Thereafter on motion of Commissioner Roos, seconded by Commissioner Gibson, and unanimously carried, the commission agrees to have this item brought back this afternoon in order to allow the agent, the developer, and the Parks & Recreation department further discussions on trails and easements.

4. This being the time set for hearing to consider a request by **CHAD WHITTSTROM** for a Vesting Tentative Tract Map (Tract 2723), a subdivision of an existing 48.63

acre parcel into 38 parcels of 1 to 5 acres each for the purpose of sale and/or development and one 1.09-acre public lot to be offered to the San Miguel Community Service District for construction of a future water tank, and designate the project site as a Transfer of Development Credit Receiver Site. This project will use three Transfer Development Credits. The project will result in the disturbance of approximately 3.3 acres of the 48.63-acre parcel for the creation of two on-site roads. This project is located within the Residential Suburban land use category and is located at the terminus of Martinez Drive, approximately 1,200 feet east of North River Road in the community of San Miguel. The site is in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) will be issued for this project. Mitigation measures are proposed to address: aesthetics, agriculture, biological resources, cultural resources, geology and soils, public services, recreation, transportation, public services, recreation, transportation, wastewater and water, and are included as conditions of approval. **County File Number: SUB 2004-00306.** Assessor Parcel Number: 027-221-044, -045, 027-251-016, -017. Supervisorial District: 1. Date Accepted: August 17, 2005.

Elizabeth Kavanaugh, staff: Presents staff report.

Commissioner Roos: Discusses Condition 3 Access & Improvements with Public Works, Condition 54, Pg. 4-41 letter, Pg. 4-62, Pg. 4-67, and Pg. 4-68.

Richard Marshall, Public Works: Discusses extension of Martinez drive and refers to Pg. 4-32. Suggests added language on Page 23 adding Condition 3-d and recites suggested language for the condition.

Commissioner Christie: Questions residential occupancy of each parcel with staff clarifying. Discusses Condition regarding the California Horned Lark and why there is not a condition for them with staff stating this species did not have necessary mitigations due to this species being migratory. Use of TDC allowing for specific sighting on property discussed, TDC credit translations discussed, Kit Fox mitigation implementation discussed, and requests clarification regarding adding affordability components to parcels with staff responding that the community would like to see higher end housing.

Commissioner Gibson: Discusses Pg. 4-28 in reference to sewage disposal, Pg. 4-59 Will serve letter being expired, and would like clarification on swale design

Jim Orton, County Counsel: Discusses Condition 31 Road Fee substitute for Pg. 4-44 and Mr. Marshall's suggested language for Condition 31.

John Nall, staff: Addresses Commissioner Roos' concerns with errors in the Negative Declaration, and Kit Fox mitigation banks concern. States he will bring back information after discussions with the department of Fish & Game. States the ND may be erroneous.

Commissioner Christie: Discusses habitat preservation preferences with staff.

Warren Hoag, staff: Discusses parcel analysis, impacts analyzed and scope of analysis for Negative Declaration.

Commissioner Gibson: Discusses fee charged for Kit Fox mitigation with staff clarifying the department of Fish & Game acts as a Trustee agency on this case and states this is a collaborative process.

Chad Wittstrom, applicant: States they are addressing all concerns being raised. Discusses rural area, speeds coming off of Martinez and Magdalena Dr., standards for speed bumps, would like a condition to add speed bumps, a possible third road to minimize traffic impacts, bldg tank to provide water with reduced pressure, contact with Fish and Game department

Olivia Wittstrom : Discusses proposed project's home pricing and affordable housing concerns and states \$600,000.00 is an attainable range for people who live in this county.

Katherine Atkins: Resident. States she has spoken with the agent regarding traffic circulation, water, and septic systems.

Commissioner Roos: Requests clarification regarding the septic system with Ms. Atkins clarifying.

Inge Burst: Discusses concerns about development. States her satisfaction with agent. Provides concerns for traffic and would like a third access road with speed bumps provided to divert traffic.

Ryan Tannahil: Discusses history of area and concerns about future development

John Cagliero: Resident. Provides some personal history and is in support of project

Dan Mead, biologist: Addresses concern regarding conditioning for nesting birds and states this condition was included on Pg. 4-24, letter 'O'.

Chad Wittstrom: Reiterates concern for speed bumps.

Commissioner Roos: Discusses speed bumps with Public Works.

Glenn Marshall, Public Works Discusses conditioning regarding speed bumps and would like traffic counts before speed bumps are installed. Discusses reluctance to condition without project being developed. States traffic calming language can be drafted.

Jim Orton, County Counsel: States he sees no legal problem conditioning for speed bumps in the subdivision, however, not outside of the subdivision.

Commissioner Rappa: Discusses prior map recording in reference to speed bumps

Commissioner Roos: Discusses Pg. 4-19 Condition 57A and requests clarification regarding roof design and whether this will be for all homes with staff responding that it will be for all homes.

Commissioner Gibson: Discusses constraints, building envelopes, and visibility of the homes from the public road.

Commissioner Christie: Addresses walk able communities concern and would like a design feature providing access to pedestrians that live in the subdivision.

Glenn Marshall, Public Works: Clarifies what an A1 street is.

Chad Wittstrom: Discusses A1 standards, and maintenance difficulties for trails.

Kami Griffin, staff provides condition language addition for Public Works.

Thereafter on motion of Commissioner Roos, seconded by Commissioner Rappa, and on the following roll call vote:

AYES: Commissioners Roos, Rappa, Gibson, and Chairman
Mehlschau

NOES: Commissioner Christie

The commission adopts the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and CA Code of Regulations

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Section 15000 et seq., and RESOLUTION NO. 2006-027, granting a Vesting Tentative Tract Map (2723) to CHAD WITTSTROM based on the findings in Exhibit A, and subject to the Conditions in Exhibit B, adding new Condition 3 d. to read: "Martinez Drive constructed to a 2/3 A-1 section from the property to existing cul de sac (minimum paved width to be 18 feet).", adding new Condition 5 to read: "The applicant shall provide plans to be approved by county Public Works Department for a traffic calming devise on Martinez Drive.", correct typos in Conditions 57Z and 58F, and change Condition 31 to read: "Prior to recordation of the final map, the applicant shall submit road improvement plans to the County Public Works Department for review and approval. In addition to standard requirements, the plans shall show the placement of additional pavement on North River Road, south of Martinez Drive, to achieve acceptable sight distance."
Adopted

Commissioner Roos: States he is pleased to see that this project exemplifies a successful use of the TDC program.

Commissioner Gibson: States in this instance he will be supporting this project due to development being carefully sited. Has concern for mitigating the Kit Fox habitat and urges Planning & Building staff to begin initiating this program. Addresses John Nall (Environmental Specialist) of Planning & Building staff to check into the per acre charge for the habitat preservation bank and ensure that the mitigation program is performing to the intent that it was established for. States that with this program in place the applicant will understand that this mitigation fee is in place and imposed by multi agency coordination.

Commissioner Christie: States she feels the California Environmental Quality Act obligations have not been met to fully mitigate for the impacts for the Kit Fox habitat. Would like the mitigation fees increased as proposed. Discusses Board of Supervisors Smart Growth Principals and encourages staff to pay attention to do a better job in incorporating some principals into projects coming forward.

Commissioner Rappa: States this project presents an excellent example of the TDC program. States that by conditioning this project with 8 or more 'Design Guidelines' creativity has been limited for future property owners.

5. This being the time set for hearing to consider a request by THOMAS HASTINGS ET. AL. for a Vesting Tentative Tract Map (Tract 2647) to subdivide two existing parcels (totalling 23 acres) into twelve parcels ranging between 1.0 to 2.4 acres each for the purpose of sale and/or development and one 7.22-acre remainder parcel. The project will result in the disturbance of approximately 12 acres of a 23-acre area. The division will create two on-site roads. The proposed project is within

the Residential Suburban land use category and is located on the west side of North River Road, approximately 1,000 feet south of Indian Valley Road within the community of San Miguel. This site is located in the Salinas River Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) will be issued on April 25, 2006 for this project. Mitigation measures are proposed to address aesthetics, agriculture, biological resources, geology and soils, public services, recreation, transportation, public services, recreation, transportation, wastewater and water and are included as conditions of approval. County File Number: SUB 2003-00198. Assessor Parcel Number(s): 027-271-030 & 031. Supervisorial District: 1. Date Accepted: May 25, 2005.

(THIS IS ITEM 3 ON THE AGENDA AND IS ONE BROUGHT BACK FROM THE MORNING SESSION)

Elizabeth Kavanaugh, staff: Explains conditions that were negotiated.

Commissioner Christie: Reiterates for the public the conditions negotiated. Proposes condition regarding Kit Fox Habitat obligations. Discusses in lieu fees, lack of kit fox bank in place, recordation of conservation easement over remaining parcel and states on-site mitigation is appropriate in the case.

Kami Griffin, staff: States she will speak for Jan Delio, Parks & Recreation regarding her ability in future to use this mechanism as a tool to obtain future access for a trail along the Salinas River should development occur.

A motion by Commissioner Christie, seconded by Commissioner Gibson, to record a conservation easement over the remaining parcel is discussed.

Jim Orton, County Counsel: States he believes the Planning Commission does not have the authority to require a conservation easement, however, if an easement will be required an open space easement can be used for protection of the kit fox.

An amended motion by Commissioner Christie and seconded by Commissioner Gibson to record an open space easement over the remaining parcel is discussed.

Kami Griffin, staff and Commissioners: Discusses options for mitigations.

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Commissioner Roos: Will not support original or amended motion due to options currently set forth for mitigations.

Chairman Mehlschau: States his concerns for adequate mitigation for kit fox and cannot go forward without staff input on this

Thereafter an amended motion by Commissioner Christie, seconded by Commissioner Gibson, to record an open space easement over the remaining parcel fails on the following roll call vote:

AYES: Commissioners Christie and Gibson

NOES: Commissioners Roos, Rappa, and Chairman Mehlschau

Thereafter on motion by Commissioner Roos, seconded by Commissioner Rappa, and on the following roll call vote:

AYES: Commissioner Roos, Rappa, Gibson, and Chairman Mehlschau

NOES: Commissioner Christie

the commission adopts the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq., and RESOLUTION NO. 2006-026, granting Vesting Tentative Tract Map 2647 to THOMAS HASTINGS ET. AL, based on the Findings in Exhibit A, and subject to the Conditions in Exhibit B, changing Condition 47 to read: "Prior to recordation of the final map, the developer shall enter into an agreement with the County of San Luis Obispo in a form acceptable to County Counsel, whereby the developer agrees on behalf of himself and successors in interest, to pay to the county of San Luis Obispo a fee of \$3,870 per residential unit, plus an inflation adjustment based upon Caltrans Highway Construction Cost Index, to be paid for each residential unit at the time of issuance of building permits. The fees collected are to be used for road improvements in the San Miguel area to mitigate traffic impacts resulting from this subdivision.", and add new Condition 4 c. to read: "A minimum of 25-foot wide public access trail easement located within the designated remainder parcel including a connection to Road A or River Road as feasible. The alignment of the proposed trail easement shall be reviewed and approved by County Parks prior to recordation of the Final Map or approval of the improvements plans (which ever occurs first). The trail easement shall be located (1) to minimize disturbance of existing vegetation and the riparian corridor, (2) on relatively flat land, and (3) outside of potential safety or high maintenance area." Adopted.

6. This being the time set for hearing to consider an appeal by Dylan Hyde, North County Resource Center, of a Planning Director Determination that a Medical Marijuana Dispensary is defined as a "Health Care Service" in Land Use Ordinance, Title 22 of the County Code. Health Care Service uses are not allowed in the Commercial Service zone. This determination was made in response to a specific proposal for a business license. The site where the Medical Marijuana Dispensary is proposed is within the Commercial Service land use category and is located at 3850 Ramada Drive inside the Templeton Urban Area. Health Care Services are not allowed by Table 2-2 of the county Land Use Ordinance within the Commercial Service land use category. The appeal of the Planning Director's determination has been withdrawn.

Bill Robeson, staff: Discusses withdrawal of appeal and request for interpretation.

Chairman Mehlschau: Requests clarification on how to acknowledge a withdrawal of an appeal with County Counsel stating a vote of the board is not needed because the appeal has already been withdrawn.

5. This being the time set for hearing to consider an interpretation of the Land Use Ordinance, Title 22 of the County Code, using the provisions of Section 22.02.030 on where, in Table 2-2 (the allowable use table), a Medical Marijuana Dispensary is classified, and therefore within which land use categories it can be located. The Planning Director has reviewed the various land use types provided in Table 2-2 and determined that the proposed use is most similar to "Health Care Service" as defined by Article 8 of the Land Use Ordinance, Title 22 of the County Code.

Bill Robeson, staff: Presents goals for the Planning Commission to reach in this interpretation. Provides a brief history of the medical marijuana program, reasoning of why the Planning & Building department gets involved, and provides direction for the commissioners regarding the interpretation process.

Commissioner Roos: Requests clarification as to why a pharmacy was not considered as a dispensary for medical marijuana with staff responding. Discusses commercial retail zoning, commercial service zoning, quantity/amount limitations for patients and dispensaries with staff responding. Requests clarification on where the dispensaries obtain the marijuana with staff responding.

Bill Robeson, staff Addresses Roos' concern regarding zoning and realization for site performance standards. Discusses a coordination meeting with cited departments to update them on the direction this is taking.

Commissioner Gibson: States he will follow California State Law in making an interpretation.

Kami Griffin staff: Discusses Health Care Services and Commercial Services use groups.

Tim McNulty, County Counsel: Discusses Pg. 6-4 provisions of ordinance.

Commissioners, staff and County Counsel: Discuss conditioning and land use ordinances, provision in Title 22, and zoning differences in land uses designations.

Commissioner Christie: States before she supports an amendment she will need to hear an argument on why it isn't dispensed at a pharmacy.

Commissioner Rappa: Discusses limitation restrictions between pharmacies and dispensaries.

Commissioner Gibson: States the need to involve law enforcement and county health agencies.

Chairman Mehlschau: States he feels the interpretation fits the retail pharmacy category better than health care services..

Matt Green: Toni Paradis speaking for Matt due to physical challenged health care problems. Discusses Mathew's medical condition. States she feels the need of a medical marijuana dispensary in the North county.

Commissioner Roos: Asks Ms. Paradis where patients obtain their medical marijuana with Ms. Paradis responding. Asks if marijuana in pill format is different from smokable marijuana as to its effectiveness with Ms. Paradis responding.

Dylan Hyde: Representing North County Resource Center. Hands out resource information and states he is available for questioning.

Commissioner Roos: Asks Mr. Hyde how patients obtain medical marijuana.

Dylan Hyde: States it is grown by a co op

Austin Connella: States the dispensary is not involved in marijuana growth. Provides a PowerPoint presentation. States he feels "Health Care Services" is not the proper zoning. States "Offices" is a more appropriate use category.

Commissioner Christie & Mr. Hyde: Requests clarification regarding no state licensing required. Discusses oversight facilities and cost difference between medical cannabis and street sold cannabis with Austin responding from \$450.00 for an ounce at street value, compared to \$350.00 an ounce sold in a dispensary.

Commissioner Rappa: Discusses zoning of medical marijuana facility in Santa Barbara with Austin Connella responding. Asks what kind of traffic is generated by patients and how much cannabis is used with Austin Connella responding.

Commissioner Christie: Discusses list of suitable similar uses and zoning discussed.

Commissioner Gibson: Requests if there was any arrangements made with local law enforcement with Austin Connella responding.

Virgina Brady: Describes people she knows who use medical marijuana and is in support of a North County Resource Center.

Adriene Covert: Discusses San Francisco's medical marijuana dispensaries as being zoned in the commercial category and is in support of a positive interpretation.

Adam Vincent: States he is currently a medical marijuana patient due to chronic back pain. Discusses locations of dispensaries and is agreeable to see this as being dispensed through a pharmacy.

Kent Connella: Owner of business center of proposed dispensary. States public preferences for location of dispensaries and feels this use type should be in the commercial areas. Parking discussed.

Commissioner Roos: Expresses his intrigue with cannabis clubs, lodges and meeting halls, and would like more information regarding site plan reviews with staff responding.

Commissioner Rappa: Discusses land use designations.

Commissioner Christie: Would like more information on what is allowable use in the Clubs, Lodges, & Meetings use category, with staff responding. Prefers to recommend General Retail Pharmacy to BOS with Commissioner Rappa agreeing.

Thereafter on MOTION by Commissioner Rappa, seconded by Commissioner Christie, and on the following roll call vote:

AYES: Commissioners, Rappa, Christie, Gibson, Roos, and
Chairman Mehlschau
NOES: None

the commission recommends to the Board of Supervisors the General Retail/Pharmacies zoning designation for medical marijuana dispensaries.

Tim McNulty, County Counsel: Discusses local requirements and restrictions as cited on Pg. 6-23.

Commissioner Roos: Discusses supporting a motion that would include siting criteria.

Commissioners: Discuss distinctions between businesses and zoning

Commissioner Gibson: States the use category most closely resembles the pharmacy category and encourages the Board of Supervisors to consult with the Health Department and law enforcement to hear their concerns.

Tim McNulty, County Counsel: Discusses discretionary permits or over the counter permits/ad ministerial in the Planning Commissioner's decision.

Commissioner Christie: Discusses the appellant having to go through a General Plan Amendment process would be long and arduous. Requests motion be repeated with the secretary utilizing the "Playback" feature to have motion played back.

A motion by Commissioner Roos, requiring special citing criteria that a medical marijuana dispensary would not be allowed in or within 1000 feet of the grounds of a school, park, recreation center, or youth center, and located within five miles of a Sheriff's sub-station dies for lack of a second vote.

Thereafter on motion by Commissioner Roos, seconded by Commissioner Gibson, and on the following roll call vote:

AYES: Commissioners Roos, Gibson, Christie, Rappa, and
Chairman Mehlschau.
NOES: None

the commission recommends to the Board of Supervisors that a medical marijuana dispensary not be allowed in or within 1000 feet of the grounds of a school, recreation center, or youth center.

Commissioner Christie: Requests clarification from County Counsel regarding any way to affect the special citing criteria motion without going through a General Plan Amendment.

Tim McNulty, County Counsel: States that since there are no current criteria in Title 22 to impose restrictions, an amendment to the General Plan would be required.

Commissioners: Discuss proper land use guidelines, and the process of review for a General Plan Amendment requiring citing criteria

7. Study session on fire safety laws and standards.

Rob Lewin, CDF Fire Marshall/Battalion Chief: Discusses study session on fire laws effecting development. Provides PowerPoint and video presentation.

Commissioner Rappa: Requests clarification on 30' setback on properties larger than 1 acre with Chief Lewin clarifying. Native and deciduous plants being combustible discussed.

Thereafter on motion by Commissioner Roos, seconded by Commissioner Gibson, and unanimously carried, the commission proceeds with the meeting past the 5:00 p.m. hour.

Commissioner Gibson: Discusses the community of Cambria as pertaining to fire safety.

Commissioner Christie: Discusses inability for CDF to bear the cost to protect houses built in the wild lands. Risk of building in fire hazard zones discussed.

Commissioner Rappa: Discusses responsibilities of home homeowners.

Commissioner Gibson: Addresses Commissioner Rappa's comments by discussing the Cambria Fire Department and the rural area plan proposal.

Eric Greening: Commends Chief Lewin on his presentation. Discusses two areas of concern; 1. A need for defensible space and 2. Safety evacuation routes for persons without transportation.

Chief Rob Lewin, CDF: Addresses car-less population concern of Mr. Greening's and states this is currently being addressed by county OES. States we need to look at the entire building element. States Chief Jenkins is committed to continuing in the planning process.

8. Consideration of revisions to the Planning Commission Rules of Procedure

Warren Hoag, staff: Presents the changes and revision draft to the "Rules of Procedure" for the Planning Commission.

Commissioners Christie and Rappa: Discuss Pg. 8-6 section L. "ex parte contacts".

Jim Orton, County Counsel: Discusses legal requirement of ex parte discussions.

Commissioner Roos: Cites an example of an ex parte discussion.

Commissioner Christie: Proposes striking language about ex parte contacts to only include the legal requirements of ex parte communications.

Commissioners: Fully discuss ex-parte contact language and agree by a straw vote to leave the first sentence of letter 'L' and strike the remaining language from 'L', keep numbers 2 and 3 which would be re-numbered 1 and 2, make L 1 become M.

Warren Hoag, staff: States the changes made are clear to him and

Commissioner Rappa: Requests input from County Counsel on procedure for items pulled from a consent agenda.

Chairman Mehlschau & Jim Orton, County Counsel: State opening up discussion to the public is under the Brown Act and adds the Board of Supervisors do likewise.

Thereafter on motion by Commissioner Gibson, seconded by Commissioner Christie, and on the following roll call vote:

AYES: Commissioners Gibson, Christie, Rappa, Roos, and
Chairman Mehlschau
NOES: None

The commission adopts the 2006 "Planning Commission Rules of Procedure" as read into the record.

Thereafter on motion by Commissioner Roos, seconded by Commissioner Gibson, and unanimously carried, the commission receives all documents presented today for the record.

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There being no further business to discuss the meeting of the San Luis Obispo County Planning Commission is adjourned to June 8, 2006.

Respectfully Submitted

Ramona Hedges, Secretary Pro Tem

County Planning Commission

